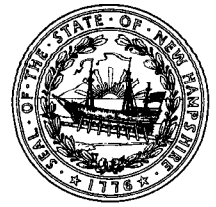




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
SP 06-004**

May 11, 2006

GFI Manchester Riverfront LLC
One Harbour Place Suite 465
Portsmouth, NH 03801

RE: DES Wetlands File #2005-00901 55 Riverfront Dr, Manchester, Tax Map TPK7, Lot #42

Dear Sir or Madam:

On April 18, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Manchester Tax Map TPK7 as Lot 42 (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411.

Based on the inspection and further file review the following deficiencies were documented:

1. A patio was documented measuring approximately 18 feet by 36 feet, situated approximately 320 feet north of the south end of the condo complex which exceeds the allowable dimensions for an accessory structure located within 50 feet of the reference line. The 18 foot by 36 foot patio exceeds the allowable foot print by approximately 300 square feet. The subject patio noted above is contiguous to a retaining wall measuring approximately 5 feet by 22 feet and a second patio measuring approximately 8 feet by 12 feet which adjoin the condo complex.
2. For approximately 270 linear feet north, as measured from the southern end of the condo complex, along the river side, clearing for the building envelope associated with the condo complex exceeded the allowable 25 foot envelope. A triangular area measuring approximately 6000 square feet was cleared in excess of the allowable limits.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified environmental consultant, or landscape designer and include provisions for removing 300 square feet of the patio identified above, planting the area and reestablishing a natural woodland buffer in the approximately 6000 square foot triangular area as identified above, on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 - (1) The species of plants proposed for replanting;
 - (2) The number and distribution of plants proposed for replanting;
 - (3) The basal area of the trees proposed for replanting;
 - (4) The existing trees remaining within the natural woodland buffer, if any; and
 - (5) The existing and proposed structures, including but not limited to the primary structure, accessory structures, and water-dependent structures.
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified environmental consultant, or landscape designer to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876 or by email at jblecharczyk@des.state.nh.us.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8424 3136

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Manchester Conservation Commission
Manchester Board of Selectmen
Richardo Cantu, City of Manchester
Dan Lynch, NH Fish & Game
Maria Tur, US Fish & Wildlife Service
Ester Piszczek, NH Department of Justice
USACOE